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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

TRAVIS BALDWIN,

Plaintiff,

v.

RITE AID HDQTRS. CORP., a foreign
corporation doing business as "Rite Aid
Store # 05386" and "Rite Aid 915
Northeast D St.,"

Defendant.

Case No.

COMPLAINT FOR BODILY
INJURIES

JURY TRIAL DEMANDED

Plaintiff alleges:

1.

Federal jurisdiction is based on 28 U.S.C. 1332 (diversity of citizenship).

The amount in controversy is more than \$75,000. Plaintiff resides in Oregon and defendant "Rite Aid Hdqtrs. Corp." is a Pennsylvania corporation with multiple stores throughout the United States, including in Oregon. In Grants Pass, Rite Aid

does business under the assumed names of “Rite Aid Store # 05386” and “Rite Aid 915 Northeast D St.”

2.

Levetiracetam, commonly known as Kepra, is a drug used to combat seizures.

3.

Plaintiff had a history of seizures, which had been under control for several years by the use of Kepra.

4.

On October 6, 2021, Rite Aid refilled plaintiff's prescription of Kepra. Unknown to plaintiff, Rite Aid filled the prescription with Lithium Carbonate instead of Kepra. Thereafter, plaintiff took the medicine three times a day as prescribed.

5.

On October 23 plaintiff was admitted to Providence Medford Medical Center because of seizures provoked by the absence of the Kepra medication. He remained there until October 26. When at the hospital he was medicated with Kepra provided by the hospital pharmacy.

6.

When plaintiff was released from Providence, he resumed taking the Kepra prescribed by Rite Aid and once more he became sick.

7.

On October 29 plaintiff's mother discovered that Rite Aid had filled the Kepra prescription with Lithium Carbonate.

8.

As result of Rite Aid's negligence, plaintiff went without anti-seizure medication for 19.5 days. The absence of this medication caused the seizure activities for which he was hospitalized October 22 to 26, and also led plaintiff to become more prone to future seizures. For those same 19.5 days, plaintiff took Lithium Carbonate, which he did not need. This medication caused him to suffer lithium toxicity.

9.

Plaintiff should be fully and fairly compensated for his losses in amounts to be determined by a jury.

10.

Plaintiff should also be compensated for his past medical expenses of \$31,103.77 and for his future medical expenses.

WHEREFORE, plaintiff prays for judgment against defendant for economic

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of \$31,103.77 and for noneconomic damages in sums to be determined by a jury.

DATED this 9th day of May 2022.

ANDERSEN MORSE & LINTHORST, PC

By _____
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